

Exhibit D

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

3 - - -

4 Tony Fisher, aka)
5 Kellie Rehanna,)
6)
7 Plaintiff,)
8)
9 vs.) Case No. 4:19CV1169
10) Sara Lioi, J.
11 Federal Bureau of)
12 Prisons, et al.,)
13)
14 Defendants.)

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11 Deposition of Paul Clifford, M.D., a witness
12 herein, called on behalf of the plaintiff for oral
13 examination, pursuant to the Federal Rules of Civil
14 Procedure, taken before Karen A. Toth, Notary Public
15 in and for the State of Ohio, via Zoom, on Thursday,
16 July 29, 2021, commencing at 9:41 a.m.

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1 section that indicates that an inmate must
2 complete sexual offender training, or therapy,
3 excuse me, in order to be transferred to a
4 female facility?

5 A No.

6 Q Is there anything in here that says that a
7 person needed to be transferred to a female
8 institution to obtain gender-affirming
9 surgery?

10 A No.

11 Q And is there anything in this provision that
12 provides any mention for any inmates to be
13 transferred to a female institution?

14 A No.

15 Q Okay. There is nothing in there at all about
16 that?

17 A If I can clarify. There is nothing direct nor
18 overt regarding that. I mean, as I mentioned
19 before, the full-time real life experience in
20 the preferred gender, that is -- certainly has
21 to be thoughtfully -- how can I say, that
22 there is a lot imbedded within that small
23 statement in terms of ensuring that the
24 person, that the patient really is ultimately
25 given the opportunity to fully experience the

1 full ramifications of adopting the role
2 ultimately, all the social roles, expectations
3 and other aspects of being the other gender
4 for which they originally were assigned at
5 birth.

6 So I felt the need to at least kind of
7 explain that capacity of it.

8 Q No, I appreciate it.

9 Is there anything listed in these
10 criteria that mentions that a person must
11 complete sexual offender training in order to
12 be transferred to a female institution?

13 A No.

14 Q Two more questions. Does the BOP or the -- or
15 the Federal Correction Institution at Elkton
16 request any gender dysphoria experience,
17 knowledge or otherwise of any clinical or
18 contractor that treats inmates with gender
19 dysphoria at Elkton?

20 A Yes. In the same manner that it expects
21 clinicians to provide services consistent with
22 professional standards in the treatment of any
23 condition that clinician may assess or treat.
24 And I can -- I can clarify further that these
25 professional standards that I speak of

1 Social ramifications, adjustments being so
2 widespread, some more overt, some more subtle,
3 but very impactful in terms of taking on the
4 other gender, in terms of having that person
5 develop the fully informed experience of what
6 that is like to interact with people, to
7 present themselves within society and look at
8 societal response to them. And I just -- in
9 my clinical opinion we want individuals to
10 fully experience that before they go through,
11 as I mentioned before, essentially
12 irreversible surgery. We want to make sure
13 that that person has a fully informed
14 experience.

15 Q Dr. Clifford, Mr. Icove had asked you whether
16 or not this Section 12 of the clinical manual
17 for transgender inmates speaks to a
18 requirement that a transgender female live in
19 a female facility. My question for you is
20 slightly different.

21 Based on your personal knowledge do you
22 know whether the Bureau of Prisons interprets
23 the full-time real life experience described
24 in Section 12 as requiring living in a prison
25 consistent with one's target gender identity?

1 MR. ICOVE: Objection.

2 A Yes, I believe that that is the agency's
3 interpretation of that.

4 MR. GARDNER: Thank you. I have no
5 further questions.

6 MR. ICOVE: Just one.

7 RECROSS-EXAMINATION

8 By Mr. Icove:

9 Q Have you seen any documents that support the
10 finding that -- or your opinion that it's the
11 agency's interpretation that an inmate must be
12 in a female facility in order to fulfill that
13 particular requirement of real life
14 experience?

15 A Can you clarify?

16 Q Right, I can -- let me just restate.
17 In regards to the last question that
18 was asked by Mr. Gardner, are you aware of any
19 documents that support that interpretation?

20 A Can you please -- I'm just trying to answer
21 the question fully and accurately.
22 Documentation in terms of? You know, if you
23 can clarify what type of documentation.

24 Q Any kind of documentation that supports that
25 particular interpretation of the agency, the

1 State of Ohio,)
2 County of Cuyahoga,) SS: CERTIFICATE

3 I, Karen A. Toth, Notary Public in and for the
4 State of Ohio, duly commissioned and qualified, do
5 hereby certify that the within named witness,
6 Paul Clifford, M.D., was by me first duly sworn to
7 testify the truth, the whole truth, and nothing but
8 the truth in the cause aforesaid; that the testimony
9 then given by him was by me reduced to
10 stenotypy/computer in the presence of said witness,
11 afterward transcribed, and that the foregoing is a
12 true and correct transcript of the testimony so
13 given by him as aforesaid.

14 I do further certify that this deposition was
15 taken at the time and place in the foregoing caption
16 specified and was completed without adjournment

17 I do further certify that I am not a relative,
18 counsel, or attorney of either party, or otherwise
19 interested in the event of this action.

20 IN WITNESS WHEREOF, I have hereunto set my
21 hand and affixed my seal of office at Cleveland,
22 Ohio on this 9th day of August, 2021.

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24 Karen A. Toth, Notary Public in
25 and for the State of Ohio.
My Commission expires May 6, 2023

